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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

PARAGUAY

1. The Committee considered the initial report of Paraguay (E/1990/5/Add.23) at its 1st, 2nd and 4th meetings, held on 30 April and 1 May 1996, and adopted, at its 22nd meeting, held on 14 May 1996, the following concluding observations.

A. Introduction

2. The Committee expresses its satisfaction to the State party for its detailed and frank initial report and for the substantial additional information supplied by the delegation verbally, as well as the constructive dialogue maintained between the delegation and Committee members. However, it regrets the lack of clear statistics and the State party's failure to provide written replies in due time to the list of issues submitted to it and the delegation's inability to provide satisfactory answers on many of those issues. The Committee notes that replies to some of the questions raised during the dialogue established with the State party were received subsequently.

B. Positive aspects

3. The Committee notes with great satisfaction that the State party is undergoing a process of peaceful democratization, which has begun to have a notable impact on the enjoyment of human rights. The ratification of the two Covenants in 1992 and the adoption of the new Constitution guaranteeing many of the rights embodied in the Covenant in 1992 and of the new Labour Code in 1993 are highly appreciated developments. The Committee also welcomes the clearly defined place of the Covenant (and of the other international human rights instruments) in the country's internal legal order. The repeal of Acts Nos. 294/55 and 209/70 is noted with satisfaction.

4. The creation of a Directorate-General of Human Rights within the Ministry of Justice and Labour and the State party's initiation of a programme of technical cooperation with the Centre for Human Rights of the United Nations are seen by the Committee as encouraging developments.

5. The Committee notes with satisfaction the creation of a Secretariat for Women to coordinate activities undertaken by the Government in relation to the mandate contained in the Constitution, which proclaims the principle of equal rights for men and women.

6. The Committee also notes the progress made by the State party in the field of education. The constitutional provision whereby 20 per cent of the State budget must be allocated to education is noted with great interest.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee is well aware that democracy in Paraguay must be consolidated and that it will take many more years to eradicate completely the attitudes created by decades of dictatorship, glaring social inequalities and latifundismo. The economic difficulties encountered by the State party, the high degree of poverty throughout the country and the constraints imposed by foreign debt repayment are further obstacles to the full realisation of the economic, social and cultural rights embodied in the Covenant. The Committee also recognizes that the persistence in Paraguayan society of attitudes engendered by a culture in which men are treated as superior to women does not facilitate the full implementation of article 3 of the Covenant.

D. Principal subjects of concern

8. Of particular concern to the Committee is the persistence of clear disparities in the exercise of economic, social and cultural rights in Paraguayan society, where a high percentage of the population is still living in conditions of poverty. The Committee therefore notes with concern the slow pace at which the Government, through the Institute for Social Welfare, is proceeding with the land reform provided for in the Constitution, since that slow pace is a continuing cause of labour and social conflict and is hampering the exercise by the agricultural sector of the rights recognized in the Covenant.

9. The Committee is very concerned at the plight of the indigenous population, as well as the estimated 200,000 landless mestizo peasant

families. The main reason for hunger and malnutrition of the indigenous population and the deprivation of their rights is linked to the severe problem of obtaining access to traditional and ancestral lands. Though recognized by Law 904/81 and other subsequent laws, this right remains in abeyance. Eighty documented claims for legalizing indigenous access to traditional land have been pending for a number of years. All indigenous groups in the Chaco were expelled from their traditional land by cattle ranchers or industrial enterprises. The Committee is also concerned by the situation of landless peasant families, of whom 50,000, on 15 March 1996, marched on the capital, Asunción, demanding adoption of legislative measures with respect to the land occupied by them and denouncing the Government's failure to fulfil past promises of agrarian reform. In Paraguay today, 5 per cent of the population owns between 60 and 80 per cent of the national territory, a situation fraught with danger for Paraguayan peace and stability.

10. The Committee expresses its concern at the many forms of discrimination against women. Discrimination in employment is a serious problem, particularly in the form of unequal pay for equal work. The Committee also regrets that no information has been received from the State party regarding the actual status of women in Paraguay, in particular on violence against women.

11. Regarding the implementation of article 7 of the Covenant, the Committee is most concerned that, despite the existence of legislation governing the minimum wage, many workers - perhaps even as many as 50 per cent - do not earn that wage.

12. While recognizing that the right to form and join trade unions is established by law, the Committee is concerned by the excessive number of cases of discriminatory practices by employers against unionized workers, including wrongful dismissal for trade union activities. While aware of the impact of decades of dictatorship on the culture of entrepreneurs, the Committee is compelled to point out that the free exercise of trade-union rights is one of the fundamental rights of workers, as elaborated in article 8 of the Covenant.

13. The Committee expresses its concern about the restrictive nature of the legislation governing the right to strike.

14. With regard to the implementation of article 9 of the Covenant, the Committee expresses its concern that large sectors of the population are excluded from any social protection because the informal sector accounts for a large share of the economy.

15. The Committee is particularly concerned about the large number of child workers and street children in Paraguay. It draws attention to the inadequacy of the measures taken by the Government to combat these phenomena, which are serious violations of the fundamental rights of the child.

16. The Committee expresses its concern about the inequitable distribution of health services between urban and rural areas. It also notes the very small number of medical and paramedical personnel in the country. The high rate of

infant mortality and infant morbidity are also matters of concern for the Committee, as are the high maternal mortality rate and the inadequacy of guidance and family planning services.

17. With regard to the implementation of articles 13 and 14 of the Covenant, the Committee recognizes the sustained efforts made by the Government of Paraguay, but is very concerned about the disparities between the school system in urban and rural areas and the high drop-out rate. The Committee also expresses concern about the inadequate training and pay of teachers at all educational levels. The decline in the quality of education, the irrelevance of educational methods and the overly centralized and bureaucratic management of the educational sector, as diagnosed by UNICEF, are noted with concern by the Committee.

18. The Committee regrets the apparent failure to disseminate the Covenant in the various sectors of society, particularly in the Guaraní language. The Committee notes that little has been done to inform the general population and, in particular, the indigenous population, of its fundamental rights.

E. Suggestions and recommendations

19. The Committee recommends that the office of the Ombudsman, as provided for in the chapter IV of the 1992 Constitution, should be established without delay.

20. The Committee urges the Government of Paraguay to continue the economic development, agrarian reform and fiscal reform programmes now under way in order to deal with the serious problem of the unfair distribution of wealth, as a means of combating poverty.

21. The Committee urges the State party to take energetic measures to eliminate the forms of discrimination to which the indigenous peoples are subjected in the enjoyment of their economic, social and cultural rights. It is essential that particular attention should be paid to the land problems which affect them and that genuine political will should be displayed to solve these problems in a human rights context. The Committee also recommends that a detailed study should be carried out, under government auspices, on the socio-economic situation of indigenous women.

22. The Committee recommends that the Government of Paraguay pursue policies designed to achieve genuine equality of rights between men and women, and eliminate the discriminatory provisions that are still contained in civil, criminal, trade and labour laws, as well as in family law.

23. The Committee recommends that appropriate legal measures should be undertaken in relation to crimes of violence against women and children within or outside the family.

24. The Committee recommends that the Government of Paraguay adopt an affirmative action policy to improve the social status of women, inter alia at the workplace. The Committee encourages the State party to take all necessary measures for the full implementation of legislation on equal pay and equality of opportunity.

25. The Committee recommends that urgent measures should be adopted, inter alia by increasing the awareness of employers, labour judges and the police, in order fully to guarantee the implementation of the right to engage in trade union activities and the right to strike.

26. The Committee recommends that the necessary legislative and other measures should be adopted to prevent and remedy situations of distress caused by the abandonment of families by fathers, making them responsible for assisting and supporting their families.

27. The Committee recommends that the State party should launch a programme, in cooperation with UNICEF and ILO, to combat the exploitation of child labour and the abandonment and exploitation of street children.

28. The Committee encourages the State party to take measures to improve the system of health care which should take into account the needs of all segments of society and reduce the disparities from which the system now suffers.

29. The Committee recommends that the Government of Paraguay should energetically pursue its efforts and increase its investment in education, particularly primary education. Greater attention should be paid to this sector in the technical cooperation programmes in which the country is involved. The Committee urges the Government of Paraguay to expand the campaign undertaken by the Human Rights Office of the Ministry of Justice and Labour in relation to human rights education at the primary, secondary and university levels and extend its scope to include elected officials, the military, professors and the judiciary.

30. The State party is encouraged to ratify the Additional Protocol to the Inter-American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.

31. The Committee considers that systems for collecting statistics should be improved on the basis of more appropriate indicators, with a view to the objective evaluation of problems and the progress made in the implementation of the provisions of the Covenant.

32. The Committee requests the State party to provide it with written replies to the unanswered questions from the list of issues submitted to it prior to the consideration of the report (questions 2, 6, 10, 12, 19, 20, 30 and 32), as well as all those relating to the rights contained in articles 13 to 15 of the Covenant, covered by questions 34 to 42, and asks that such information should be sent to the Centre for Human Rights by 31 October 1996. The Committee would also like the next report of the Government of Paraguay to fill in the information gaps identified during the consideration of the present report by the Committee. The report should contain detailed information on the full implementation of legislative and administrative measures relating to prevention and enforcement in respect of safe and healthy working conditions. The Committee would also like information to be transmitted on cases in which the Covenant has been invoked in the courts.